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FREQUENTLY ASKED QUESTIONS

SOUTH CAROLINA TATTOO ACT



October 21, 2004

1. At what stage is the draft Tattoo Regulation in the regulatory process?

The Department will seek the approval of the DHEC Board in November to publish the Tattoo Regulation in the *State Register* on November 26, 2004 and to hold a Staff Informational Forum on December 30, 2004, at 1:30 p.m. in the 2nd Floor Conference Room, 1777 St. Julian Place, Heritage Building, Columbia, SC. In mid-November, a draft of the Tattoo Regulation will be sent to interested parties for comment.

2. When will the South Carolina tattooing regulations be in effect and available?

South Carolina law requires that a Health Regulation be approved by the SC General Assembly. The SC General Assembly will next convene in January, 2005. At the earliest, the Tattoo Regulation will be submitted to them in mid March, 2005. The General Assembly will review thru the necessary Committees and the date of the approval is unknown. Once the General Assembly approves the regulation, the Department will have the regulations printed and then stocked for mailing. The regulation, along with an application for licensing will be mailed to those that have expressed an interest in the Tattoo Regulation. The procedures for licensing will be posted on the DHEC Health Licensing Website.

3. When will tattoo facilities be able to operate?

Once the completed application is received with the other necessary documents as required by the regulation, the Department will coordinate a licensing inspection of the proposed facility to determine compliance. The applicant will need to provide to the Department affirmative assurance that the facility is ready for the inspection prior to the Department scheduling the visit. If the facility is in substantial compliance with the regulation, a tattoo facility license will be issued. Until the effective date of the license is established by the Department, tattooing procedures cannot be performed.

4. Who will be conducting tattoo facility inspections once the regulation is effective?

The Facilities and Services Office within the Division of Health Licensing will be responsible for conducting inspections and investigations. The County Health Departments will not be involved at this time.

5. Are there any health training programs that will be required before licenses are issued?

A tattoo artist must be at least twenty-one years old and must possess a certificate of successful completion, on an annual basis, of a course in blood borne pathogens and tattoo infection control as approved by the Department, a current American Red Cross First Aid Certification and a current Adult Cardiopulmonary Resuscitation (CPR) Certification obtained either from the American Red Cross or the American Heart Association. It is recommended that prospective tattoo artists certify training in each of these areas by the Spring of 2005.

6. Will there be requirements regarding the tattooing experience of Tattoo Artists?

At this time, yes, as described in the current draft regulation; however, the details of what these requirements will be have not been finalized.

7. What are the requirements for tattoo artists from other states that may be doing “guest spots” at tattoo facilities or conventions?

Regardless of who will be engaged in tattooing procedures in this state, for whatever length of time, he or she shall be in compliance with the training, health, and age regulatory requirements. Anyone who performs tattoo procedures are considered staff members of the tattoo facility and are subject to the same regulatory requirements of a tattoo facility staff member.

8. Does the Tattoo Act address Micropigmentation (Permanent Cosmetics)?

The S.C. Tattoo Act does not include Micropigmentation or Permanent Cosmetics. The Tattoo Act specifically excludes tattooing the head, neck, and face.

9. Is Micropigmentation (Permanent Cosmetics) addressed by any other S.C. Code?

Not specifically by these terms, however, S.C. Code of Law Section 16-17-700 states, "It is not unlawful for a licensed physician or surgeon to tattoo part of the body of a person of any age if in the physician's or surgeon's medical opinion it is necessary or appropriate; and it is not unlawful for a physician to delegate tattooing procedures to an employee in accordance with Section 40-47-60, subject to the regulations of the State Board of Medical Examiners."

10. What does the SC Tattoo Act say about Zoning Requirements?

The Tattoo Act does not dictate local zoning requirements. According to the Tattoo Act, the Department will not issue a tattoo license to a facility if it is located within 1,000 feet of a school, church, or playground. This distance shall be the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.

11. Is there a web address where I can learn more?

As the Department has further information, it will be posted at this website:

<http://www.scdhec.gov/hr/licen/hltattoo.htm>

12. Who can I speak to in order to obtain more information about tattooing in SC?

Someone in the Facilities and Services Office can be reached at (803) 545- 4370. You may send e-mail questions to Mr. Joe Gatten at his address: GattenPJ@dhec.sc.gov